



# House of Representatives

General Assembly

**File No. 321**

*January Session, 2013*

House Bill No. 5183

*House of Representatives, April 3, 2013*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING REGISTRATION OF ALL-TERRAIN VEHICLES  
AND ESTABLISHING AN ALL-TERRAIN VEHICLE DIVISION WITHIN  
THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL  
PROTECTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-381 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 Any owner required to register a snowmobile or all-terrain vehicle  
4 shall apply to the commissioner and shall file evidence of ownership  
5 by affidavit or document. Upon receipt of an application in proper  
6 form and the registration fee, the commissioner shall assign an  
7 identification number and provide the owner with a certificate of  
8 registration and registration plate. The registration plate, which shall  
9 be affixed by the owner, shall be displayed on the snowmobile or all-  
10 terrain vehicle at a place and in a manner prescribed by the  
11 commissioner. In addition to such registration plate, each snowmobile  
12 and all-terrain vehicle so registered shall display its registration

13 number on each side of its front section, midway between the top and  
14 bottom of said front section, in letters or numbers at least three inches  
15 in height and made of a reflective material. The certificate of  
16 registration shall be carried on such snowmobile or all-terrain vehicle  
17 and shall be available for inspection whenever such snowmobile or all-  
18 terrain vehicle is being operated. The owner shall pay a fee of twenty  
19 dollars for each snowmobile or forty dollars for each all-terrain vehicle  
20 so registered. Fifty per cent of each all-terrain vehicle registration fee  
21 shall be deposited in the all-terrain vehicle account established in  
22 section 2 of this act. At the time of registration of any all-terrain  
23 vehicle, the owner of such all-terrain vehicle shall pay a land purchase  
24 fee of five dollars, the proceeds of which shall be used by the All-  
25 Terrain Vehicle Division within the Department of Energy and  
26 Environmental Protection, established in section 2 of this act, to  
27 purchase land specifically for use by all-terrain vehicles. Each such  
28 certificate of registration shall expire biennially on the last day of  
29 March.

30 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) There is established an  
31 All-Terrain Vehicle Division within the Department of Energy and  
32 Environmental Protection. The division shall create and maintain all-  
33 terrain vehicle trails, assist in all-terrain vehicle law enforcement and  
34 fund grants and related activities including safety and education  
35 classes for persons who operate all-terrain vehicles.

36 (b) There is established an account to be known as the "all-terrain  
37 vehicle account" which shall be a separate, nonlapsing account within  
38 the General Fund. The account shall contain any moneys required by  
39 law to be deposited in the account. Moneys in the account shall be  
40 expended by the division for the purposes of creating and maintaining  
41 all-terrain vehicle trails, assisting in all-terrain vehicle law enforcement  
42 and funding grants and related activities pursuant to subsection (a) of  
43 this section. Any moneys contained in said account not needed for the  
44 purposes of said account shall be transferred to the maintenance,  
45 repair and improvement account established in section 23-15b of the  
46 general statutes for maintaining, making improvements to, erecting

47 structures on or repairing the property, including houses and other  
48 buildings, of state parks.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-381
Sec. 2	<i>October 1, 2013</i>	New section

**TRA**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Department of Energy and Environmental Protection	GF - Revenue Gain	At least 38,000	At least 38,000

**Municipal Impact:** None

### **Explanation**

The bill is anticipated to generate revenue of at least \$38,000 in both FY 14 and FY 15 for the Department of Energy and Environmental Protection (DEEP).

The bill increases the biennial registration fee for all-terrain vehicles (ATV's), from \$20 to \$40, and directs 50% of this revenue to a newly established "ATV" account. This is anticipated to result in a revenue gain of approximately \$30,000 annually, based on an estimated 1,525 ATV's registered.<sup>1</sup> It is estimated that a significant number of ATV's are unregistered.

Additionally, the bill results in a revenue gain of approximately \$7,500 annually as it requires registrants pay an additional \$5 land purchase fee. This fee is to be used by the newly established ATV division of DEEP to purchase land specifically for ATV use.

There is no fiscal impact to the Department of Motor Vehicles (DMV) associated with increasing the registration fees for ATV's.

### **The Out Years**

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<sup>1</sup> This is an average of 1,650 ATV's registered in FY 11 and 1,400 ATV's registered in FY 12 according to the Department of Motor Vehicle registry.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of ATV's registered.

**OLR Bill Analysis****HB 5183*****AN ACT CONCERNING REGISTRATION OF ALL-TERRAIN VEHICLES AND ESTABLISHING AN ALL-TERRAIN VEHICLE DIVISION WITHIN THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*****SUMMARY:**

This bill creates an All-Terrain Vehicle (ATV) Division within the Department of Energy and Environmental Protection (DEEP) to (1) create and maintain ATV trails, (2) assist with ATV law enforcement, and (3) fund grants and activities for such things as safety and education classes for ATV operators.

The bill increases, from \$20 to \$40, the biennial ATV registration fee and requires half of the fee to be deposited into a new "all-terrain vehicle account" for use by the ATV Division. It also requires ATV owners to pay a \$5 "land purchase fee" at each registration. The division must use the proceeds to purchase land for ATV use.

State law already requires the DEEP commissioner to evaluate and make available some state land for ATV use. He must consider minimizing the ATVs' impact on the environment and consult with the state agency that owns the land before making it available to ATV operators (CGS § 23-26c).

EFFECTIVE DATE: October 1, 2013

**ATV REGISTRATION FEE**

By law, Connecticut residents must register their ATVs with the motor vehicles commissioner if they plan to operate them on land they do not own or lease.

The bill increases, from \$20 to \$40, the biennial ATV registration fee

and requires 50% of the fee to be deposited in an ATV account, which the bill creates. The account, a separate nonlapsing account within the General Fund, must contain any money the law requires to be deposited in it.

For purposes of registration, an ATV is a self-propelled vehicle that is designed to travel over unimproved terrain and is unsuitable for use on public highways, as determined by the motor vehicles commissioner (CGS § 14-379). ATVs are defined more restrictively, however, for operation on state land. For this purpose, an ATV is a motorized vehicle unsuitable for operation on a highway that, among other things, (1) is no more than 50 inches wide, (2) weighs no more than 600 pounds, and (3) has an engine with a piston displacement of over 50 cubic centimeters (CGS § 23-26a).

It is unclear which definition would apply to ATVs using the land DEEP's ATV Division would purchase under the bill's provision.

#### **ATV ACCOUNT PURPOSE**

The bill requires the ATV Division to use the account funds for (1) creating and maintaining ATV trails, (2) assisting with ATV law enforcement, and (3) funding grants and related activities. It allows excess funds to be transferred to the General Fund's maintenance, repair, and improvement account to be used for maintaining, improving, repairing, or erecting structures on state park property, such as houses or buildings.

#### **COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 32      Nay 2      (03/15/2013)